

**ASSEMBLY BILL**

**No. 2612**

**Introduced by Assembly Member Migden**

February 23, 1998

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An act to add Sections 113947 and 113977 to the Health and Safety Code, relating to retail food facilities.

LEGISLATIVE COUNSEL'S DIGEST

AB 2612, as introduced, Migden. Retail food facilities.

Existing law, the California Uniform Retail Food Facilities Law, establishes sanitation standards for retail food facilities. Existing law makes violation of these provisions a crime. Existing law requires that these provisions be enforced by the State Department of Health Services and primarily by local health agencies.

This bill would require, on or before July 1, 1999, the department, in consultation with various organizations, to develop standards in safe food handling practices, develop a written test to verify knowledge of basic food safety, and establish procedures for the posting of inspection results, and the closure, reinspection, and reopening of retail food facilities.

This bill would require, commencing January 1, 2000, as a condition of commencing or continuing operation of a retail food establishment, every manager or supervisor of a retail food establishment to complete training in safe food handling practices, as approved by the department.

By creating a new crime and increasing the enforcement duties of local health agencies, this bill would impose a state-mandated local program.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

- 1 SECTION 1. Section 113947 is added to the Health
- 2 and Safety Code, to read:
- 3 113947. On or before July 1, 1999, the department, in
- 4 consultation with the California Conference of Directors
- 5 of Environmental Health (CCDEH), representatives of
- 6 the retail food industry, and other interested parties, shall
- 7 do all of the following:
- 8 (a) Develop standards for safe food handling practices
- 9 and a written test designed to verify knowledge of basic
- 10 food safety.
- 11 (b) Establish procedures for the posting of inspection
- 12 results, and the closure, reinspection, and reopening of
- 13 retail food facilities.
- 14 (c) Investigate the feasibility of expanding the
- 15 training requirements of retail food establishments under
- 16 Section 113977 to apply to all retail food facilities.



1 SEC. 2. Section 113977 is added to the Health and  
2 Safety Code, to read:

3 113977. Commencing January 1, 2000, as a condition  
4 of commencing or continuing operation of a retail food  
5 establishment, every manager or supervisor of a retail  
6 food establishment shall be required to complete training  
7 in safe food handling practices that meets the standards  
8 developed pursuant to subdivision (a) of Section 113947  
9 and as approved by the department.

10 SEC. 3. No reimbursement is required by this act  
11 pursuant to Section 6 of Article XIII B of the California  
12 Constitution for certain costs that may be incurred by a  
13 local agency or school district because in that regard this  
14 act creates a new crime or infraction, eliminates a crime  
15 or infraction, or changes the penalty for a crime or  
16 infraction, within the meaning of Section 17556 of the  
17 Government Code, or changes the definition of a crime  
18 within the meaning of Section 6 of Article XIII B of the  
19 California Constitution.

20 However, notwithstanding Section 17610 of the  
21 Government Code, if the Commission on State Mandates  
22 determines that this act contains other costs mandated by  
23 the state, reimbursement to local agencies and school  
24 districts for those costs shall be made pursuant to Part 7  
25 (commencing with Section 17500) of Division 4 of Title  
26 2 of the Government Code. If the statewide cost of the  
27 claim for reimbursement does not exceed one million  
28 dollars (\$1,000,000), reimbursement shall be made from  
29 the State Mandates Claims Fund.

30 Notwithstanding Section 17580 of the Government  
31 Code, unless otherwise specified, the provisions of this act  
32 shall become operative on the same date that the act  
33 takes effect pursuant to the California Constitution.